

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Land Acquisition – Chittoor District – Renigunta Mandal, Thukivakam village – Land Acquired in Sy.No.s 844A/2A, 844 A/2B1 etc., for the purpose of establishment of Railway Carriage repair shop – E.P.No. 250/05 in LA.OP. No. 20/2004 – Sanction of Rs. 3,37,92,962/- (half of the total amount of Rs. 6,75,85,924/-) towards decretal charges for 39.55 acres land acquired – Orders – Issued.

INDUSTRIES AND COMMERCE (INF) DEPARTMENT

G.O.Rt.No. 95

Dated: 13-02-2009.
Read the following:

1. G.O.Rt.No. 1248, Industries & Commerce (ID) Department, dated: 19.9.81.
2. Principle Senior Civil Judge, Tirupathi, Order, dated: 5.9.2005 in L.A.O.P.No.20/2004.
3. Hon'ble High Court of A.P., Order, dated: 2.2.2006 in L.A.A.S.M.P.No. 213/2006 in L.A.A.S.No. 61/2006
4. From the Advocate General, A.P.High Court, Letter, dated: 13.4.06.
5. Representation of Sri M.Peddachengaiah and others, Tirupathi, received with CMP No.6382/CMP/2007, dated: 15.6.07.
6. From the Collector, Chittoor, Letter No. G2/23412/1955, dated: 8.10.2008.

O R D E R:

The Government, in the G.O. 1st read above have issued orders for acquisition of 143.75 acres of land in Sy.Nos. 844A/2A, 844A 2B1 etc., of Thukivakkam village, Renigunta Mandal, Chittoor District for the purpose of establishment of Railway Carriage Repair Work shop by invoking urgency clause under section 17 (4) of the Land Acquisition Act.

2. The Collector, Chittoor District has reported that Award was passed in Award No. 5/83, dated: 13.10.1983 duly fixing the market value for the land in two categories viz., (1) Rs. 42,000/- per acre for the lands under Category-I to the extent of Acs. 5.78 which is having industrial value and (2) Rs. 15,000/- per acre for the arabul lands under Category-II to the extent of 137.97 acres. Sri Pedachengaiah and 3 others have filed a petition in the Civil Court in OP No. 20/04 and the Senior Civil Judge, Tirupathi has enhanced the market value from Rs. 15,000/- to Rs. 2,50,000/- per acre for an extent of Acres 39.54 ½ vide judgement, dated: 5.9.1995. The Revenue Divisional Officer, Tirupathi has filed an appeal against the orders and decree in the High Court of Andhra Pradesh on 5.9.1995.

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3. Hon'ble High Court of Andhra Pradesh has granted interim stay orders, dated: 2.2.2006 in LA.AS.MP. No. 213/2006 in LA. AS. No. 61/2006 as follows:

"There shall be stay subject to the condition that the Petitioner/s depositing half of the enhanced amount within a period of eight weeks from today. On such deposit, the respondent/s is/are permitted to withdraw the same without furnishing any security"

4. The Land Acquisition Officer-cum- Revenue Divisional Officer has further reported to the Collector that the Court Ameenah has brought a warrant of attachment of immovable properties in OEP. No. 250/05 dated: 16.1.2006 on the file of Additional Senior Civil Judge, Tirupathi for an amount of Rs. 6,75,88,457/- as detailed below in the LA. OP. No. 20/2004 attaching the immovable properties of the Revenue Divisional Officer's Office, Tirupathi.

1. Principle Amount as per Court order	
For 39.55 acres at Rs. 2,50,000/-	= 98,87,500/-
2. Compensation paid as per award No.5	= 5,93,250/-
3. Net amount to be paid	= 92,94,250/-
4. 30% Solatium u/s. 23 (2)	= 27,88,275/-
5. 12% addl.market value from the date of 4 (1) Notification	
i.e, 28.9.81 to 13.10.83	= 1,43,59,616/-
6. 9% interest from the date of taken over possession of the land	
i.e., from 3.11.80 to 2.11.81	= 12,92,365/-
7.at the rate of 15% interest from 3.11.81 to 13.12.2005	= 5,19,33,943/-

Total:	= 6,75,85,924/-

5. The warrant of attachment issue was brought to the notice of the Special Government Pleader, in the High Court of Andhra Pradesh. The Government Pleader for Appeals, High Court of Andhra Pradesh in his letter No. LA. AS. No. 61/2006/A4, dated: 3.2.2006 has stated that the request for stay came up for hearing before the Hon'ble High Court on 2.2.06 and the Hon'ble High Court granted interim stay subject to the condition to deposit half of the decretal amount within eight weeks and further observed that failing which stay shall stand vacated. He has also requested to comply the above orders within the stipulated time and inform the same to his office.

6. As the stay granted by the Hon'ble High Court of Andhra Pradesh is still in force, the Collector, Chittoor District in his letter 6th read above has requested Government to sanction an amount of Rs.3,37,92,962/- i.e., half of the total amount to deposit the same in the Court of Principal Senior Civil Judge, Tirupathi so as to avoid attachment of the Government property at the office of the Revenue Divisional Officer, Tirupathi.

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7. In the circumstances reported by the Collector, Tirupathi, the Government, after careful consideration of the proposal, hereby accord sanction an amount of Rs.3,37,92,962/- (Rupees three crores thirty seven lakhs ninety two thousand nine hundred and sixty two only) to the Collector, Chittoor District towards payment of(half of the total decretal charges of Rs. 6,75,85,924/-) decretal charges against EP. No. 250/05 dated: 16.1.2006 on the file of Additional Senior Civil Judge, Tirupathi and in the LA.OP. No. 20/2004 to avoid attachment of immovable properties of the office of the Revenue Divisional Officer, Tirupathi.

8. The expenditure sanctioned in Para 6 above shall be debited to "2875- Other Industries – 60 Other Industries – MH 190 – Assistance to Public Sector and Other Undertakings – GH .11 Normal State Plan – SH (11) Land Acquisition for Government of India undertakings – 310 Grants – in – aid – 312 – Other Grants in Air (Charged)" and shall be met by way of an advance from the contingency funds, orders regarding which, will be issued by Finance (BG) Department on furnishing of proposals under Rule 4 of the A.P. Contingency Fund Rules.

9. The Collector, Chittoor District is authorized to draw the amount sanctioned and take further action. Necessary proposals shall be sent at the appropriate time for obtaining supplementary grant, towards recoupment of advance sanctioned from the Contingency Fund.

10. This order issues with the concurrence of Finance Department vide their U.O.No.37582/692/Exp.I&C/08, dated: 7.1.2009.

[BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH]

B. SAM BOB
PRINCIPAL SECRETARY TO GOVERNMENT AND
COMMISSIONER FOR INDUSTRIAL PROMOTION

To
The Collector & District Magistrate, Chittoor.
The Revenue Divisional Officer, Tirupathi.
The Registrar, High Court of Andhra Pradesh.
The Principal Senior Civil Judge, Tirupathi.
The Pay & Accounts Officer, Hyderabad.
The Director of Treasuries & Accounts, Hyderabad.
The Accountant General, AP., Hyderabad.
The District Trteasury Officer, Tirupathi.
Copy to:
The Finance (Exp.&I&C) Department.
The Finance (BG) Department.
The Law Department.
The Revenue Department.
P.S. to Minister for Major Industries.
P.S. to Principal Secretary to Government & CIP.,
Industries & Commerce Department.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER